

HOUSE BILL No. 1298

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Handgun licenses and ammunition. Specifies that a license to carry a handgun may not be more than 2 1/4 inches by 3 1/2 inches in size. Provides that a person must provide certain information to other persons before the person may purchase handgun ammunition from the other persons. Requires information concerning the purchase of handgun ammunition to be forwarded to the superintendent of the state police department.

Effective: July 1, 1999; January 1, 2000.

Smith V

January 11, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1298

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. (a) A person
3 desiring a license to carry a handgun shall apply:

4 (1) to the chief of police or corresponding law enforcement officer
5 of the municipality in which he resides;

6 (2) if that municipality has no such officer or if the applicant does
7 not reside in a municipality, to the sheriff of the county in which
8 he resides after he has obtained an application form prescribed by
9 the superintendent; or

10 (3) if he is a resident of another state and has a regular place of
11 business or employment in Indiana, to the sheriff of the county in
12 which he has a regular place of business or employment.

13 (b) The law enforcement agency which accepts an application for a
14 handgun license shall collect a ten dollar (\$10) application fee, five
15 dollars (\$5) of which shall be refunded if the license is not issued.
16 Except as provided in subsection (g), the fee shall be:

17 (1) deposited into the law enforcement agency's firearms training



1 fund or other appropriate training activities fund; and

2 (2) used by the agency for the purpose of:

3 (A) training law enforcement officers in the proper use of
4 firearms or other law enforcement duties; or

5 (B) purchasing for the law enforcement officers employed by
6 the law enforcement agency firearms or firearm related
7 equipment, or both.

8 The state board of accounts shall establish rules for the proper
9 accounting and expenditure of funds collected under this subsection.

10 (c) The officer to whom the application is made shall ascertain
11 concerning the applicant his name, full address, length of residence in
12 the community, whether his residence is located within the limits of
13 any city or town, occupation, place of business or employment,
14 criminal record, if any, and convictions (minor traffic offenses
15 excepted), age, race, sex, nationality, date of birth, citizenship, height,
16 weight, build, color of hair, color of eyes, scars and marks, whether the
17 applicant has previously held an Indiana license to carry a handgun
18 and, if so, the serial number of the license and year issued, whether his
19 license has ever been suspended or revoked, and if so, the year and
20 reason for the suspension or revocation, and the applicant's reason for
21 desiring a license. The officer to whom the application is made shall
22 conduct an investigation into the applicant's official records and verify
23 thereby the applicant's character and reputation, and shall in addition
24 verify for accuracy the information contained in the application, and
25 shall forward this information together with his recommendation for
26 approval or disapproval and one (1) set of legible and classifiable
27 fingerprints of the applicant to the superintendent.

28 (d) The superintendent may make whatever further investigation he
29 deems necessary. Whenever disapproval is recommended, the officer
30 to whom the application is made shall provide the superintendent and
31 the applicant with his complete and specific reasons, in writing, for the
32 recommendation of disapproval.

33 (e) If it appears to the superintendent that the applicant has a proper
34 reason for carrying a handgun and is of good character and reputation
35 and a proper person to be so licensed, he shall issue to the applicant a
36 qualified or an unlimited license to carry any handgun lawfully
37 possessed by the applicant. The original license shall be delivered to
38 the licensee. A copy shall be delivered to the officer to whom the
39 application for license was made. A copy shall be retained by the
40 superintendent for at least four (4) years. This license shall be valid for
41 a period of four (4) years from the date of issue. The license of police
42 officers, sheriffs or their deputies, and law enforcement officers of the

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United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(h) A license to carry a handgun must be not more than two and one-fourth (2 1/4) inches by three and one-half (3 1/2) inches in size.

(i) The superintendent shall prescribe specifications for the form of a license issued under this section.

SECTION 2. IC 35-47-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) A person who violates section 3, 4, 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.

(b) A person who violates section 7, 17, or 18 of this chapter commits a Class C felony.

(c) A person who violates section 1 **or 25** of this chapter commits a Class A misdemeanor. However, the offense **for violating section 1 of this chapter** is a Class C felony:

- (1) if the offense is committed:
 - (A) on or in school property;
 - (B) within one thousand (1,000) feet of school property; or



- (C) on a school bus; or
- (2) if the person:
 - (A) has a prior conviction of any offense under:
 - (i) this subsection; or
 - (ii) subsection (d); or
 - (B) has been convicted of a felony within fifteen (15) years before the date of the offense.

(d) A person who violates section 22 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.

SECTION 3. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 25. If a person wishes to purchase from another person ammunition to be used with a handgun:**

- (1) the person must present the other person with:
 - (A) the person's license issued under this chapter if the person is required to obtain a license to carry a handgun; and
 - (B) a copy of the handgun transfer application form for each handgun that:
 - (i) the person possesses; and
 - (ii) may be used with the ammunition the person wishes to purchase; and
- (2) the other person:
 - (A) shall record:
 - (i) the name and serial number listed on the person's license if the person is required to obtain a license to carry a handgun;
 - (ii) the manufacturer's serial number for the handgun listed on each handgun transfer application form; and
 - (iii) the amount, type, and brand name of the ammunition to be purchased by the person;
 - (B) may not sell the ammunition to the person until the other person receives all the information required under subdivision (1); and
 - (C) shall forward a copy of the information received under subdivision (1) to the superintendent after the other person sells the ammunition to the person.

SECTION 4. [EFFECTIVE JULY 1, 1999] (a) The superintendent of the state police department shall adopt rules under IC 4-22-2 to



1 implement IC 35-47-2-3, as amended by this act, before January 1,
2 2000.

3 (b) This SECTION expires January 1, 2000.

4 SECTION 5. [EFFECTIVE JANUARY 1, 2000] IC 35-47-2-3, as
5 amended by this act, applies to licenses to carry handguns that are
6 issued or renewed under IC 35-47-2, as amended by this act, after
7 December 31, 1999.

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